

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

BRYAN GLYNN,

Plaintiff,

v.

BOCA DO LOBO,

Defendant.

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Civil Action No.:

COMPLAINT AND JURY
DEMAND

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, BRYAN GLYNN (“Plaintiff”), brings this complaint in the United States District Court for the Eastern District of Virginia against BOCA DO LOBO (“Defendant”), alleging as follows:

PARTIES

1. Plaintiff is a United States citizen and internationally-recognized commercial photographer who currently resides in Holiday, Florida. Plaintiff produces high-quality, landscapes, portraits, and product photographs, and regularly works for a wide variety of commercial and advertising clients. Over the past twenty-five (25) years, Plaintiff has photographed thousands of cigars, both in groups and details, for his cigar review website, www.cigarobsession.com.

2. On information and belief, Defendant is a Foreign Corporation existing under the laws of the nation of Portugal, with headquarters in Rio Tinto, Portugal. Defendant is a design brand specializing in high end goods including furniture and lighting. Defendant owns and operates the websites www.bocadolobo.com, www.luxurysafes.me, www.designlimitededition.com, and www.iloboyou.com. Defendant owns and operates a retail store in Manassas, Virginia.

JURISDICTION AND VENUE

3. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
4. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
5. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b), in that Defendant: (1) directed electronic activity into the state; (2) with the manifested intent of engaging in business or other interactions within the state; and (3) that activity created, in a person within the state, a potential cause of action cognizable in the state's courts.
6. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

7. Plaintiff captured the photograph, "20130417p261m0001-edit" ("Copyrighted Photograph 1") on April 17, 2013. [Exhibit 1].

8. Plaintiff captured the photograph, “20130417p261m0001-edit” (“Copyrighted Photograph 2”) on April 17, 2013. [Exhibit 2].
9. Plaintiff captured the photograph, “20130417p261m0001-edit” (“Copyrighted Photograph 3”) on April 17, 2013. [Exhibit 3]. (together Copyrighted Photographs 1-3 are “Copyrighted Photographs”).
10. Plaintiff registered Copyrighted Photographs with the United States Copyright Office on January 21, 2017 (Registration No.: V Au 1-271-409). [Exhibit 4].
11. Plaintiff posted the Copyrighted Photograph 1 on April 18, 2013 to the following URL:
 - www.cigarobsession.com/2013/04/18/padron-serie-1926-no-1-maduro-cigar-review.
12. Plaintiff posted the Copyrighted Photograph 2 on April 18, 2013 to the following URL:
 - www.cigarobsession.com/2009/08/28/fuente-fuente-opus-x-robusto.
13. Plaintiff posted the Copyrighted Photograph 3 on April 18, 2013 to the following URL:
 - www.cigarobsession.com/2013/03/20/stradivarius-churchill-cigar-review.
14. Beginning on or about April 23, 2015, Defendant copied and posted the Copyrighted Photographs to the Defendant’s commercial website, www.luxurysafes.me (Last visited November 10, 2017).
15. Defendant posted the Copyrighted Photograph to the following URLs:
 - www.luxurysafes.me/blog/tag/best-cigars [Exhibit 5]
 - www.luxurysafes.me/blog/wine-cigars/the-top-five-most-expensive-cigars-in-the-world [Exhibit 5]
 - www.luxurysafes.me/blog/wine-cigars/worlds-expensive-cigars [Exhibit 6].
 - www.luxurysafes.me/blog/wine-cigars/the-top-five-most-expensive-cigars-in-the-world [Exhibit 7].

(all Last visited November 10, 2017).

COUNT I: INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.

16. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.
17. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to the Copyrighted Photographs, which are the subject of a valid and complete application before the United States Copyright Office for Certificate of Copyright Registration by the Register of Copyrights.
18. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Photographs and to distribute the Copyrighted Photographs to the public.
19. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, has copied and displayed the Copyrighted Photographs on Defendant's commercial website, www.luxurysafes.me. In doing so, Defendant violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.
20. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.
21. As a direct and proximate result of Defendant's infringements of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to permanent injunctive relief, damages, and Defendant's profits pursuant to 17 U.S.C. § 504(b).

22. Alternatively, in lieu of damages and Defendants' profits, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) in the amount of \$30,000. In the event that Plaintiff shows that Defendant's actions were willful, intentional, and/or purposeful, Plaintiff will be entitled to enhanced remedies in the amount of \$150,000.

COUNT II: CONTRIBUTORY INFRINGEMENT

23. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly made available the Copyrighted Photographs to third party publishers and distributors by posting active links on the infringing URLs to the following social media organizations: Facebook, Twitter, Pinterest, and Google Plus. [Exhibit 8].
24. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, had knowledge or reason to know of such contributory infringement.
25. As a result of Defendant's actions, Plaintiff is entitled to statutory damages or such other and further relief as is just and proper.

COUNT III: REMOVAL AND ALTERATION OF INTEGRITY OF COPYRIGHT
MANAGEMENT INFORMATION PURSUANT TO 17 U.S.C. § 1202

26. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, knowingly and with the intent to conceal infringement, intentionally removed copyright information management information from Plaintiff's Copyrighted Photograph before displaying the Copyrighted Photograph on Defendant's public website, www.luxurysafes.me. In doing so, Defendant violated 17 U.S.C. § 1202(a)(1) and (b)(1).

27. As a result of Defendant's actions, Plaintiff is entitled to actual damages or statutory damages pursuant to 17 U.S.C. § 1203(c). Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Declaring that Defendant's unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, their officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;
- C. Ordering Defendant to account to Plaintiff for all gains, profits, and advantages derived by Defendant by their infringement of Plaintiff's copyright or such damages as are proper, and since Defendant intentionally infringed Plaintiff's copyright, for the maximum allowable statutory damages for each violation;
- D. Awarding Plaintiff actual and/or statutory damages for Defendant's copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 505, 17 U.S.C. § 1203(b)(3), and § 1203(b)(5); and
- F. Awarding Plaintiff such other and further relief as is just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: December 4, 2017

____/s/____*David C. Deal*_____
David C. Deal (VA Bar No.: 86005)
The Law Office of David C. Deal, P.L.C.
P.O. Box 1042
Crozet, VA 22932
434-233-2727, Telephone
888-965-8083, Facsimile
Attorney for Plaintiff

EXHIBIT 1



EXHIBIT 2



EXHIBIT 3



EXHIBIT 4

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayette

Acting United States Register of Copyrights and Director

Registration Number

VAu 1-271-409

Effective Date of Registration:

January 21, 2017

Title _____

Title of Work: Cigar Photographs

Completion/Publication _____

Year of Completion: 2017

Author _____

• Author: Bryan Glynn
Author Created: photograph
Work made for hire: No
Citizen of: United States
Domiciled in: United States
Year Born: 1974

Copyright Claimant _____

Copyright Claimant: Bryan Glynn
5318 Bob White Dr, Holiday, FL, 34690

Rights and Permissions _____

Name: Bryan Glynn
Email: bryan@bgpictures.com
Telephone: (727)946-1000
Address: 5318 Bob White Dr
Holiday, FL 34690

Certification _____

Name: Bryan E. Glynn
Date: January 21, 2017

Copyright Office notes: Basis for Registration: Unpublished collection

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EXHIBIT 5

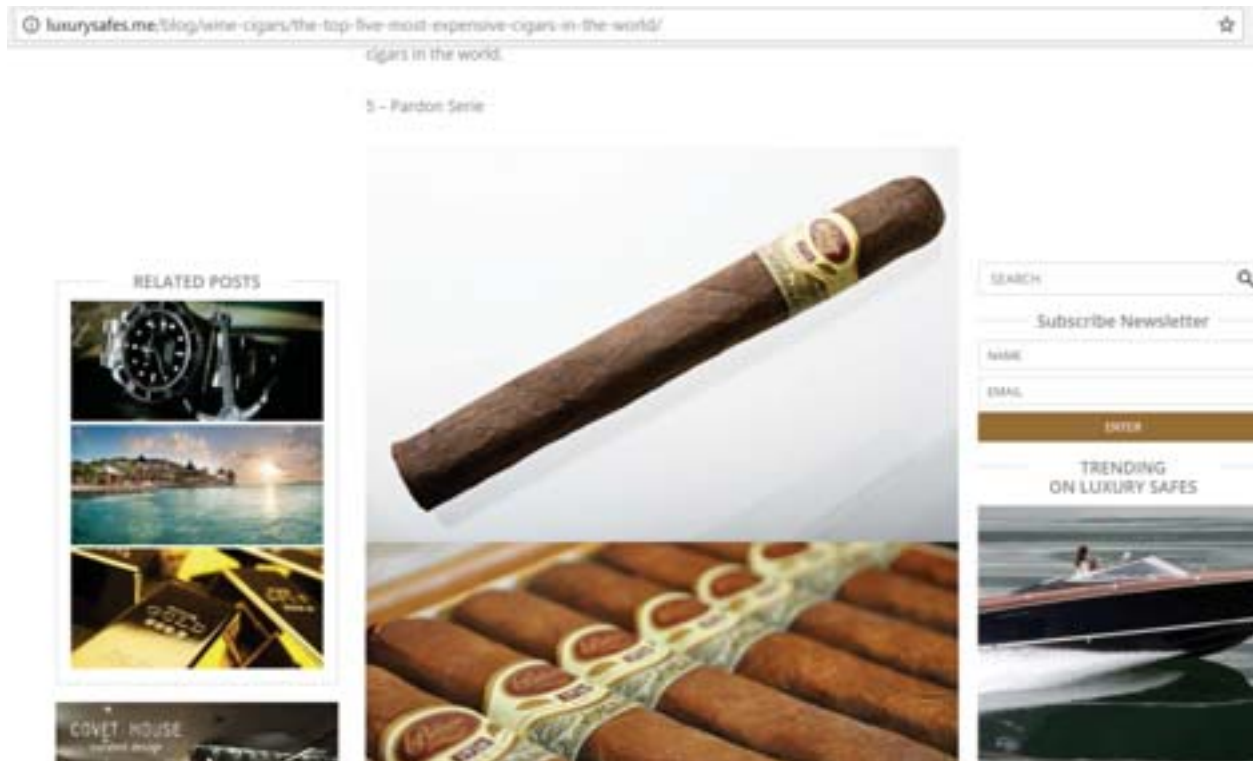


EXHIBIT 6

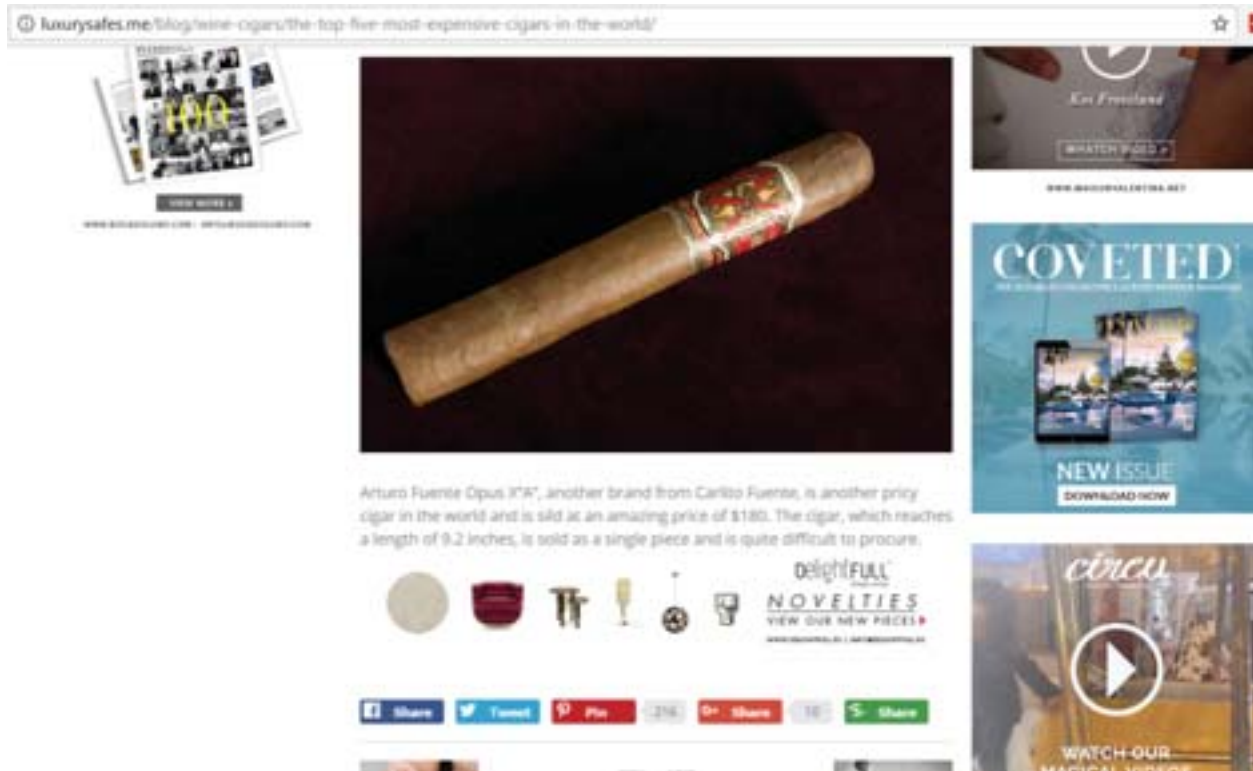


EXHIBIT 7

This is a renowned Cuban cigar brand that was launched in the 40s. It can be purchased in a box containing 25 cigars or a packet containing three cigars. Prices for the boxes range from \$12 to over \$750. The cigar brand is produced in Havana, Cuba.

5. Stradivarius

This exclusive cigar is usually available in boxes containing 16 cigars. They blend mix tobacco from several places, including Mexico and the Dominican Republic, to give the finished product a distinctive taste.

Related Posts

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6. London

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EXHIBIT 8

